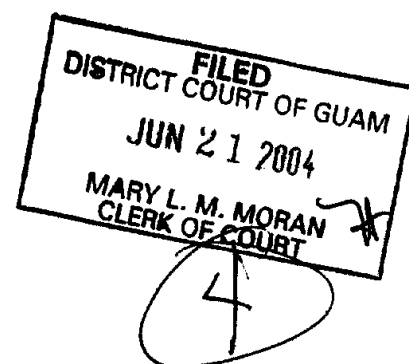


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Company of Micronesia, Inc. dba PacifiCare Asia Pacific

IN THE DISTRICT COURT OF GUAM  
TERRITORY OF GUAM

IN THE MATTER OF THE  
ARBITRATION BETWEEN  
PACIFICARE HEALTH INSURANCE  
COMPANY OF MICRONESIA, INC.  
dba PACIFICARE ASIA PACIFIC,

Petitioner,

and

GOVERNMENT OF GUAM,

Respondent.

CIVIL CASE NO. 04-00030

**NOTICE OF DISMISSAL OF  
PETITION TO APPOINT  
THIRD ARBITRATOR**

On June 18, 2004 this Court issued an Order in the above-captioned cause directing the parties to file legal briefs concerning certain threshold jurisdictional matters pertaining to Petitioner's June 18, 2004 Petition for Appointment of Third Arbitrator. Jurisdictional matters aside, the Order raises concern that determination of the matter in this

**ORIGINAL**

**NOTICE OF DISMISSAL OF PETITION TO APPOINT THIRD ARBITRATOR**  
**In the Matter of the Arbitration Between PacifiCare Health Insurance Company of Micronesia, Inc.**  
**dba PacifiCare Asia Pacific, Petitioner and Government of Guam, Respondent**  
**District Court of Guam; Civil Case No. 04-00030**

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Court could be delayed by (1) the absence of a resident District Judge; and (2) the fact that the presiding United States Magistrate might be subject to disqualification because he presided over the judicial proceedings which are the subject matter of the arbitration demand during his service as a Guam Superior Court Judge.

Given these rather unique circumstances, and considering the need for an expeditious resolution of the impasse at hand, Petitioner hereby withdraws and dismisses its Petition, without prejudice, pursuant to Fed. R. Civ. P. 41 (a). Petitioner hereby serves notice to Respondent that it will instead seek appropriate relief in the Superior Court of Guam.

Respectfully submitted this 21<sup>st</sup> day of June, 2004.

**MAIR, MAIR, SPADE & THOMPSON**  
A Professional Corporation  
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Company of Micronesia, Inc. dba PacifiCare Asia Pacific

By: 

RANDALL TODD THOMPSON

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